

Serial No.: 10/635,934
Confirmation No.: 8834
Applicant: PETRIE, Aidan
Atty. Ref.: 07298.0067.NPUS01

REMARKS/ARGUMENTS

CLAIM AMENDMENTS

Applicants have amended several of the independent and dependent claims to more clearly recite various features of the present invention.

CLAIM REJECTIONS UNDER 35 USC § 102

The Examiner rejected claims 1-7, 10-14 and 17 under 35 USC § 102 as being anticipated by Rupp (US 4,417,299). More specifically, the Examiner indicated that Rupp disclosed a flashlight comprising, among other things, "a spring actuated grip 70 attachable to the housing 14 and the spring actuated grip 70 enabling the flashlight to be hanged."

Applicants have amended independent claims 1, 11 and 19 to more clearly recite that the present invention includes a handgrip handle; i.e., that portion of the flashlight which is gripped by an individual's hand, and a clamping assembly for securing the flashlight to an object. Of note is the fact that independent claims 1, 11 and 19 include the limitation that the clamping assembly is generally configured for rotational pivotal movement with respect to the longitudinal axis of the handgrip handle such that an object may be gripped between the clamping assembly and the housing. That is, the clamping assembly pivots relative to the housing about the longitudinal axis of the handgrip handle. Rupp does not disclose a handgrip handle or a clamping assembly arranged for pivotal movement with respect thereto or about a longitudinal axis thereof. Indeed, Rupp discloses an alligator clip assembly that is secured to the outer cylindrical housing of a lamp. The alligator clip is not configured for pivotal movement about a longitudinal axis of a handgrip handle and does not even disclose a handgrip handle adjacent or connected to a housing. In view thereof, withdrawal of the rejection is courteously requested.

The Examiner also rejected claims 1, 8 and 9 as being anticipated by Osterhout et al. (US 5,019,951). More specifically, the Examiner, among other things, indicated that Osterhout et al. discloses a "a spring activated grip 14 attachable to the housing 12, and the spring actuated grip 14 enabling [the flashlight to be hanged." As noted above, Applicants have amended claim 1 to recite that the clamping member is connected to a handgrip handle and the clamping member is

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pivotal relative to the longitudinal axis of the handgrip handle. Osterhout et al. do not disclose a clamping member or that the clamping member is pivotal with respect to a longitudinal axis of the handgrip handle. For these reasons, withdrawal of the rejection is courteously requested.

CLAIM REJECTIONS UNDER 35 USC § 103

The Examiner rejected claims 15, 16 and 18 under 35 USC § 103 as being obvious in view of Rupp and Maglica (US 6,457,840). More specifically, the Examiner asserted that Rupp discloses a flashlight receiving batteries, that Maglica discloses that the batteries may be rechargeable, that Rupp discloses that the flashlight may include a compartment and that Maglica discloses a charge outlet such that the invention of the claims would have been obvious to one having ordinary skill in the art at the time it was made. Applicants traverse the rejection inasmuch as it may apply to the claims as amended.

Independent claim 11 includes the limitation that the clamping assembly extends tangentially from a handgrip handle and pivot relative to a longitudinal axis of the hand grip handle. As noted above, with regard to the rejections under 35 USC § 102, Rupp does not disclose, teach or suggest these features. On the contrary, Rupp discloses an alligator clip that is secured to the outer cylindrical housing of a lamp assembly. The alligator clip is not configured for pivotal movement about a longitudinal axis of a handgrip handle and does not even disclose a handgrip handle that is adjacent to a housing.

Consequently, because the combination of Rupp and Maglica does not disclose each and every element of claim 11, the present invention is nonobvious in view thereof and withdrawal of the rejection is courteously requested.

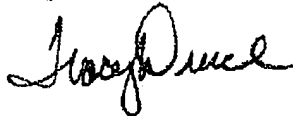
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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

Further, the undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07298.0067.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, Examiner is requested to directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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